

2872



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Matthias Ulbricht et al.
FOR : **DEVICE AND METHOD FOR THE
OPTICAL SCANNING OF MEDIA,
OBJECTS, OR AREAS**
SERIAL NO. : 10/553,148
FILED : October 11, 2005
EXAMINER : Unknown
ART UNIT : 2872
CONFIRMATION NO. : 1794
ATTORNEY DOCKET NO. : **ZHHZ 2 00024**

INFORMATION DISCLOSURE STATEMENT

Mail Stop None
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant(s) submit(s) the following Disclosure Statement concerning art of which the applicant(s) is (are) aware. A copy of PTO/SB/08 Form (renumbered from 1449) is enclosed.

This Information Disclosure Statement should not be construed to be an admission that any information referred to herein or submitted herewith is "prior art" or is considered to be material to patentability for this invention.

The United States Patent and Trademark Office OG Notice dated 12 October 2004 published a final rule revising 37 C.F.R. 1.98 dealing with the content of Disclosure Statements. Paragraph (a)(2) was revised to read in part, "A legible copy of:
(i) Each foreign patent; (ii) Each publication or that portion which caused it to be listed,

other than U.S. patents and U.S. patent application publications unless required by the Office.” Therefore, Applicant(s) has (have) not enclosed copies of the cited U.S. patents and published patent applications with this Information Disclosure Statement.

In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement should not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

☒ Under § 1.98(a)(3), a concise explanation of relevance is required for information that is not in the English language. Accordingly, the English language documents have no further explanation.

☒ All of the cited and/or included documents were cited by the German Patent Office in a related application(s). A copy of the German Search Report is enclosed.

The German Search Report lists Document No. DE 196 54 210 C2, document AM herein. This document is the equivalent of U.S. Patent No. 6,211,988 which is listed in form PTO 1449 as document AI.

The German Search Report also lists Document No. DE 199 28 998 A1. This German language document, listed as document AN herein, has an English language equivalent in U.S. Patent No. 6,850,121 which is listed as document AJ in the enclosed PTO 1449 form.

The German Search Report lists DE 96 21 457 U1. However, the file number provided by the German Patent Office is incorrect. There appears to be no such document available in the database to which the undersigned has access. Therefore, no copy of this is enclosed and no information concerning an English translation is provided.

The Search Report from the German Patent Office also lists DE 197 41 731. An English machine translation of this document is enclosed.

Finally, the Search Report from the German Patent Office lists DE 33 18 968 A1, document AK herein. There is an English language equivalent of this document, namely, UK 2 120 804. A copy of that document is enclosed and listed as document AO on form PTO 1449.

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

☐ **WITHIN THREE MONTHS OF FILING:** Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application (or date of entry of the national stage). Although it is believed no fee is necessary, any deficiency in fees should be handled as set forth below.

☒ **BEFORE FIRST OFFICE ACTION:** Under § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be handled as set forth below.

☐ **BEFORE FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSES PROSECUTION/WITH STATEMENT:** Under § 1.97(c)(1), this information shall be considered if filed before the mailing date of a final action, or a Notice of Allowance or action that otherwise closes prosecution in the application if accompanied by the statement:

Under § 1.97(e)(1), the undersigned states:

☐ A. that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

☐ B. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

☐ **BEFORE FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSES PROSECUTION/WITH FEE:** Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement, as set forth below.

☐ **AFTER FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSES PROSECUTION/AND ON OR BEFORE PAYMENT OF THE ISSUE FEE:**

1. Under § 1.97(e)(1), the undersigned states:

☐ A. that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; **or**

☐ B. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement; **and**

2. ☐ the fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement, as set forth below.

☐ **PRIORITY CLAIM:** The enclosed PTO/SB/08 includes all patents, publications, or other information previously cited by or submitted to the Office in one or more prior applications from which the present application claims priority. These one or more prior applications are identified in the papers accompanying the filing of this application.


Any payment due for the filing of this Information Disclosure Statement is authorized to be charged to a Credit Card (PTO form 2038 enclosed). **If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.** If there are any additional fees required by this communication, please charge same to Deposit Account No. 06-0308.

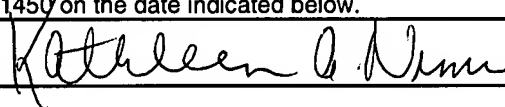
It is respectfully requested that the attached document(s) be considered and officially cited in examination of this application.

Respectfully submitted,

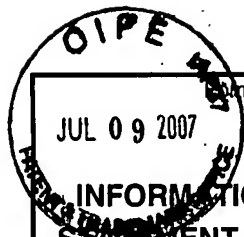
FAY SHARPE LLP

July 5, 2007
Date


Jay F. Moldovanyi, Reg. No. 29,678
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

| CERTIFICATE OF MAILING OR TRANSMISSION | |
|---|--|
| I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop None, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. | |
| Express Mail Label No.: | Signature:  |
| Date: July 5, 2007 | Name: Kathleen A. Nimrichter |

N:\ZHHZ\200024\KAN0008221V001.docx



JUL 09 2007

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT(S)**

(Use as many sheets as necessary)

Sheet 1 of 1

Form 1449/PTO

COMPLETE IF KNOWN

| | |
|----------------------|--------------------------|
| Application Number | 10/553,148 |
| Filing Date | October 11, 2005 |
| First Named Inventor | Matthias Ulbricht et al. |
| Art Unit | 2872 |
| Examiner Name | Unknown |
| Attorney Docket No. | ZHHZ 2 00024 |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. | Document No. Number-Kind Code (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|--------------------|----------|--|-----------------------------|---|
| | AA | US-3,672,761 | 06/27/1972 | Limberger |
| | AB | US-4,387,952 | 06/14/1983 | Slusher |
| | AC | US-4,555,627 | 11/26/1985 | McRae, Jr. |
| | AD | US-5,132,836 | 07/21/1992 | Fundingsland |
| | AE | US-5,231,461 | 07/27/1993 | Silvergate et al. |
| | AF | US-5,293,265 | 03/08/1994 | Aleshin et al. |
| | AG | US-5,451,787 | 09/19/1995 | Taylor |
| | AH | US-5,534,874 | 07/09/1996 | Yujiri et al. |
| | AI | US-6,211,988 | 04/03/2001 | Engelhardt et al. |
| | AJ | US-6,850,121 | 02/01/2005 | Detering et al. |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. | Foreign Patent Document Country Code-Number Kind Code (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | T |
|--------------------|----------|--|-----------------------------|--|---|
| | AK | DE-33 18 968 | 05/14/1987 | Fiat Auto S.p.A. (UK Equivalent - UK 2 120 804) | |
| | AL | DE-197 41 731 | 04/01/1999 | Sick AG | Y |
| | AM | DE-196 54 210 | 12/09/1999 | Leica Microsystems Heidelberg GmbH (US Equivalent - US 6,211,988) | |
| | AN | DE-199 28 998 | 07/14/2005 | Siemens AG (US Equivalent - US 6,850,121) | |
| | AO | GB-2 120 804 | 12/07/1983 | Fiat Auto SpA (English Text) | |

OTHER -- NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T |
|--------------------|----------|--|---|
| | AP | | |
| | AQ | | |
| | AR | | |

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|